

**From:** [Travis, Pamela](#)  
**To:** [Mueller, Sarah](#)  
**Cc:** [Duncan, Will](#); [Poalinelli, Edwin](#)  
**Subject:** RE: Sections 23 and 25  
**Date:** Monday, November 20, 2017 10:32:00 AM  
**Attachments:** [Section 25 PCS Final.pdf](#)  
[Section 25 open pits PCS 07222009.pdf](#)  
[Section 25-Shaft Mine PCS.pdf](#)  
[Section 25-Decline Mine PCS.pdf](#)  
[Section 25 SEQ PCS 07222009.pdf](#)

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Hi Sarah –

We may be working off of different mine definitions as R6 research did not focus specifically on claims. Attached are pre-CERCLIS screening documents on Section 25. Please have a look and let's discuss. I hope this is helpful.

Have a good holiday!

Pam

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**From:** Mueller, Sarah  
**Sent:** Thursday, November 16, 2017 2:36 PM  
**To:** Travis, Pamela <Travis.Pamela@epa.gov>  
**Cc:** Duncan, Will <Duncan.Will@epa.gov>; Poalinelli, Edwin <POALINELLI.EDWIN@EPA.GOV>  
**Subject:** RE: Sections 23 and 25

Pam,

Thanks for the information. This seems consistent with what you have previously provided us. Can you or your program people provide us with the maps and information showing the 5 mine claims on Section 25? As I mentioned in my June 29 email below, our maps show three mine claims, one of which crosses over to the section to the north, which appears to be some type of federal land. It sounds like Region 6 is using different maps and we are hoping you can share them. Also, you had mentioned in the spring that Region 6 believes that there are other PRPs for Section 25 mines, in addition to BNSF. As I mentioned in my June 29 email, we are not aware of other PRPs and are hoping that you can provide that information to us.

Please give me a call if you want to discuss the information.

Thanks.

Sarah

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**From:** Travis, Pamela  
**Sent:** Monday, November 13, 2017 9:32 AM  
**To:** Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Hi Sarah – Here's the response from the program clients:

**Section 25** (all of which is private);

S25, S25 SEQ, S25 decline, S25 open pit and Divide.

**Related mines adjacent to Section 25;**

Haystack S23 – located on an adjacent small private inholding on allotment land

Desidero – located on boundary line between Section 25 and 26.

Hope this is helpful.

Pam

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**From:** Mueller, Sarah  
**Sent:** Thursday, November 09, 2017 11:53 AM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Subject:** FW: Sections 23 and 25

Hi Pam,  
I'm wondering if you've been able to get any more information about Section 25 that you could share with us.

Thanks.

Sarah

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**From:** Mueller, Sarah  
**Sent:** Wednesday, October 18, 2017 3:23 PM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Pam,

Your enforcement officers could communicate with Steve Arbaugh, our civil investigator (I believe they have already been in contact in the past about these sites).

Thanks.

Sarah

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**From:** Travis, Pamela  
**Sent:** Friday, October 06, 2017 2:56 PM  
**To:** Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>  
**Cc:** Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>; Capuyan, Stephen <[Capuyan.Stephen@epa.gov](mailto:Capuyan.Stephen@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Hi Sarah – Sorry to be so long getting back to you on this issue. I put out the call to my program clients for more detailed information on Section 25, and reminded them of the request again this week. I will be out of the office next week, but hope to have something to share by the time I return on Oct. 16. In the meantime, is there someone in your enforcement group with whom our Enforcement Officers could communicate? Many thanks.

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**From:** Mueller, Sarah  
**Sent:** Monday, September 25, 2017 6:55 PM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Cc:** Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>  
**Subject:** FW: Sections 23 and 25

Hi Pam,

I'm checking in with you again to see if you can provide the additional information below on Section 25. Our investigator has separately been looking into trying to find confirmation of the things you mentioned for Section 25, but has not found indication of 5-6 mines or mine claims on Section 25, and believes that BNSF's predecessors operated at all three mine claims on Section 25. If you have information indicating otherwise, would you please let us know? Also, as I mentioned, our information indicates that some of these mines crossed parcel boundaries onto BLM land and state land. Is this consistent with your understanding?

Thanks.

Sarah

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**From:** Mueller, Sarah  
**Sent:** Monday, July 31, 2017 2:39 PM  
**To:** Pamela Travis ([Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)) <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Subject:** FW: Sections 23 and 25

Hi Pam,  
I hope all is well with you. I'm following up on the email below and am wondering if you can provide any additional information.  
Thanks.  
Sarah

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**From:** Mueller, Sarah  
**Sent:** Thursday, June 29, 2017 10:15 AM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Cc:** Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Hi Pam,  
Thanks for the email.  
Can you clarify a few things for me on Section 25? The map that we have, attached, shows three mine claims, rather than 5-6. Do you have additional information or figures showing the other mines? According to our map, one of the mines crosses over onto BLM land, and one crosses over onto state land. It is the BLM land that Navajo contends is part of Navajo Nation.

Also, can you provide me with the information you have about the PRPs? The information that we have doesn't distinguish between the different mine claims on the Section. The production records

all refer to either Section 25, or Section 25 SEQ, or Section 25 SE4. So we don't have a way of differentiating at which mines on Section 25 BNSF's predecessor was operating. The same is true for the other operators in the production records. All of the other documents we have (leases, etc.) reference Section 25 as a whole.

Thanks very much.  
Sarah

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**From:** Travis, Pamela  
**Sent:** Tuesday, June 27, 2017 7:51 AM  
**To:** Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>  
**Cc:** Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Hi Sarah – Welcome back!

After talking with the removal folks, it is clear that Section 23 is a cross-boundary site and could be addressed in a joint action with Region 9. Section 25 (and related mines – there are 5-6 of them in Section 25, and not all are BNSF) is located completely on private land in Region 6 (verified the ownership after raising it in our last call). We haven't taken this issue all the way up the chain, but feel pretty strongly that Region 6 should address Section 25 separately. I understand that somehow one of the Section 25 mines found its way onto a list of Navajo priority sites, and I believe our folks, if requested, would put some priority on it in view of Navajo's interest.

That's the latest from here.

Many thanks.  
Pam

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**From:** Mueller, Sarah  
**Sent:** Monday, June 26, 2017 5:03 PM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Hi Pam,  
I am back from vacation now and following up on this. Did you get a chance to check in with your

region on these mines and the proposed approach we discussed (that the two regions address Sections 23 and 25 sites jointly, in a combined enforcement action, beginning with sending general notice letters to BNSF and Homestake/UNC, and then seeking an AOC for and RSE for the two sites)?

Also, we had discussed next steps for Haystack, and sending BNSF special notice for an AOC for an EE/CA. Now that I'm back I will work on drafting the necessary documents, unless Region 6 has some objection.

Thanks.

Let me know if you want to discuss further.

Sarah

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**From:** Travis, Pamela  
**Sent:** Monday, June 05, 2017 4:36 PM  
**To:** Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>  
**Subject:** RE: Sections 23 and 25

OK, thanks. Lots to study!

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**From:** Mueller, Sarah  
**Sent:** Monday, June 05, 2017 6:20 PM  
**To:** Travis, Pamela <[Travis.Pamela@epa.gov](mailto:Travis.Pamela@epa.gov)>  
**Subject:** RE: Sections 23 and 25

Thanks Pam.

Both of the maps you sent looked the same to me, but maybe there is some detail that is different that I overlooked. Those maps seem to be consistent with what we have, at least with respect to Sections 23 and 25. Note that the Section 23 and Section 25 mines are in T13N R10W, directly east from Haystack. On the map you sent, if you look east from the "HAYSTACK MINE" notation, you will see the note "Hwy 23," and just east of that you can see the small print for Haystack Section 23. It shows on your map as Navajo (yellow), except for the teeny SE corner, which appears to be where the mine is. The map shows Section 23 as being within the Navajo Nation boundary. Section 26 just to the south is both within that boundary, and marked as Navajo (likely allotment). Section 25 on your map and the ones I am sending you shows as private land outside of Navajo Nation boundaries. But as you will on the map I am sending you, it looks like part of one of the mines extends onto BLM land that is within the Navajo Nation boundaries.

I'm attaching a map from Toeroek, which doesn't show Navajo Nation boundaries. I'm also attaching a jpeg that shows Indian Country in red, from Navajo Nation sources. In addition, I'm attaching ownership information for both sections from the county. Sections 23 and 25 are both priority mines. And for a bit more context, Section 26, which is just south of 23 and just west of 25, contains the Desidero mine, which was part of the Bluewater mine cleanup that included the Haystack parcels in 1990 and 1991 (it is now being addressed by the trustee).

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**From:** Travis, Pamela  
**Sent:** Monday, June 05, 2017 1:59 PM  
**To:** Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>  
**Subject:**